

REMARKS

In the Office Action mailed on October 16, 2009, claims 1–26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,329,984 to Boss et al. (hereinafter “Boss”) in view of United States Patent No. 6,343,313 to Salesky et al. (hereinafter “Salesky”).

The Applicants hereby amend claims 1 and 14, cancel claim 26, and add new claims 27–30. Support for the claim amendments and the newly-added claims can be found throughout the Applicants’ specification as originally filed, for example at paragraphs [0035], [0039], [0040], [0042], and [0058] of their United States Patent Application Publication No. 2005/0235014 (the “’014 Publication”), and in the drawings as originally filed, such as in FIG. 3. No new matter is introduced by the claim amendments or by the newly-added claims.

After entry of the claim amendments and the newly-added claims, claims 1–25 and 27–30 will be pending in this application. Accordingly, the Applicants respectfully request reconsideration in light of the amendments made above and the arguments presented below, the withdrawal of all rejections, and the allowance of claims 1–25 and 27–30 in due course.

Interview Summary

The undersigned thanks the Examiner for his time and courtesy during the interviews that took place on February 18, 2010 and March 12, 2010. The undersigned notes that the discussions focused on the amendments and arguments presented herein. Accordingly, this paper is intended to constitute a proper recordation of the interviews in accordance with MPEP § 713.04, and also to provide a full response to the Office Action mailed on October 16, 2009.

Amended Claims 1–25 are Patentable over Boss in view of Salesky

Claims 1–26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Boss in view of Salesky. The Applicants hereby cancel claim 26, thereby rendering the rejection of that claim moot. The Applicants respectfully traverse this rejection as applied to the remaining claims, as amended.

According to MPEP §§ 2141(III) and 2142, to establish a prima facie case of obviousness, the claimed invention must have been obvious to one of ordinary skill in the art. Moreover, “[a]ll words in a claim must be considered in judging the patentability of that claim

against the prior art.”¹ In fact, as the Board of Patent Appeals and Interferences has confirmed, a proper obviousness determination requires that the Examiner make “a searching comparison of the claimed invention – including all its limitations – with the teaching of the prior art.”² Thus, “obviousness requires a suggestion of all limitations in a claim.”³ The Applicants respectfully submit that neither Boss nor Salesky, alone or in proper combination, teaches or suggests all of the limitations of either one of Applicants’ amended independent claims 1 or 14, and, therefore, do not legally establish a prima facie case of obviousness of those claims or of claims 2–13 and 15–25, which depend therefrom.

Applicants’ amended independent claim 1 recites a bandwidth-adaptive method for synchronizing display data between a source node and a plurality of consumer nodes that includes, in relevant part:

“(c) receiving, by a communications service from the source node, a metadata packet identifying each of the data packets that represent a current state of local display data following the change in local display data, **the metadata packet being indicative of the data packets required by a consumer node to synchronize the consumer node’s display data with the source node’s local display data . . .**

(e) selecting, by the communications service, first and second sets of the identified data packets responsive to the received metadata packet, **the first and second sets being different from one another, the first set being all the data packets identified by the metadata packet less the data packets already transmitted to a first consumer node, and the second set being all the data packets identified by the metadata packet less the data packets already transmitted to a second consumer node having a different bandwidth connection with the communication service than the first consumer node has with the communications service;**

(f) transmitting, by the communications service to the first consumer node, the metadata packet followed by the first set of identified data packets; and

(g) transmitting, by the communications service to the second consumer node, the metadata packet followed by the second set of identified data packets,

¹ MPEP § 2143.03, quoting *In re Wilson*, 424 F.2d 1382, 1385 (C.C.P.A. 1970)(emphasis added).

² *Ex parte Wada et al.*, Appeal No. 2007-3733, at page 7, quoting *In re Ochiai*, 71 F.3d 1565, 1572 (Fed Cir. 1995)(emphasis in original).

³ *Id.*, quoting *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) and *In re Royka*, 490 F.2d 981, 985 (CCPA 1974)(emphasis added).

whereby the first and second consumer nodes are transmitted a common metadata packet, but different data packets along therewith.
(Emphasis added).

Similarly, Applicants' amended independent claim 14 recites a bandwidth-adaptive system for synchronizing display data between consumer nodes and a source node that includes, in relevant part:

“a source node configured to . . . create a metadata packet identifying each of the data packets that represent a current state of the local display data following the change in local display data, **the metadata packet being indicative of the data packets required by a consumer node to synchronize the consumer node's display data with the source node's local display data,** and . . .

a communications service . . . configured to

(a) select i) a first set of the identified data packets for transmission, following the metadata packet, to a first consumer node, **the first set being all the data packets identified by the metadata packet less the data packets already transmitted to the first consumer node, and ii) a second set of the identified data packets, different from the first set,** for transmission, following the metadata packet, to a second consumer node having a different bandwidth connection with the communications service than the first consumer node has with the communications service, **the second set being all the data packets identified by the metadata packet less the data packets already transmitted to the second consumer node;** and

(b) transmit the metadata packet and the first and second sets of identified data packets **such that the first and second consumer nodes are transmitted a common metadata packet, but different data packets along therewith.** (Emphasis added).

As discussed with the Examiner, neither Boss nor Salesky teaches or suggests these claim limitations. More particularly, Boss appears to describe “methods and apparatus for task based application sharing in a graphic user interface such as Windows®. A user, referred to as the host user, designates an application to be shared, referred to as a shared application. Another user at a remote location, referred to as the client user, shares control of the shared application. The shared application runs on and executes only on the host system.”⁴ As described in Boss, “[a]t **every** point where [the host system's] graphical device interface 102 makes a call to display

⁴ Boss at col. 2, ln. 32–38.

driver 104, sensor application 107 inserts a jump instruction from display driver 104 to sensor application 107. **All** the information necessary for a given display driver to perform prompted line drawings and/or text drawings are retrieved and saved by sensor application 107 **for use in the application sharing process between client system 200 and host system 100.**⁵ “Sensor application 107 then formats a communication packet based upon the display information retrieved from graphical device interface 102 regarding the prompted drawings and transmits the communication packet over conferencing communication system 108 which transmits the communication packet to conferencing communication system 201 of client system 200.”⁶

Because Boss describes transmitting **all** communication packets generated by a host communication system 108 to a client communication system 201, Boss necessarily can not, and in fact does not, teach or suggest transmitting a metadata packet along with a first set of identified data packets to a first consumer node and also transmitting the **same** metadata packet, but along with a second set of identified data packets (which are **different** than the first set of identified data packets), to a second consumer node. Instead, Boss’s method of communication results in sending **all** data packets to **every** client node – i.e., sending **identical** sets of data packets to **every** client node.

For its part, Salesky appears to describe a “networked computer communications system.”⁷ The communications system includes a “presenter client 12 [that] is connected to attendee client[s] 18 through a conference server 14 and data network 16.”⁸ “During a conferencing session, presenter client 12 takes periodic ‘snap-shots’ of the application screen image contained within a rectangular boundary determined by the presenter, breaks the screen shot into smaller rectangular blocks, [and] compares these blocks to information from a previous screen shot. A block that has changed is passed to conference server 14 after it has . . . received identification marking (‘ID stamps’).”⁹ “The presenter client identifies where the block is in the capture rectangle with a block-location ID stamp; it identifies the time with a time-stamp; it may also identify itself with an origin stamp, and provide other ID stamps as needed.”¹⁰ “The

⁵ Boss at col. 4, ln. 50–58 (emphasis added).

⁶ Boss at col. 4, ln. 64 – col. 5, ln. 4.

⁷ Salesky at Abstract.

⁸ Salesky at col. 7, ln. 2–4 and at FIG. 1.

⁹ Salesky at col. 7, ln. 35–43.

¹⁰ Salesky at col. 7, ln. 57–61.

changed blocks, however transformed, with ID stamps, are held on the conference server until they have been sent to all attendee client computers 18.”¹¹

Accordingly, Salesky describes sending a block of an application screen image from a presenter client computer 12 to a conference server 14. In doing so, the presenter client computer 12 may first transform the block and stamp it with ID information, such as location, time, and/or origin. The conference server 14 then sends the block to an attendee client computer 18. Because the data block is **stamped** with the ID information (e.g., metadata information), the two are **tied together** and transmitted together. In other words, for a given metadata stamp, the same data block is always transmitted. Accordingly, like Boss, Salesky fails to teach or suggest transmitting a metadata packet along with a first set of identified data packets to a first consumer node and also transmitting the **same** metadata packet, but along with a second set of identified data packets (which are **different** than the first set of identified data packets), to a second consumer node, as recited in each one of the Applicants’ amended independent claims 1 and 14.

During the February 18, 2010 and March 12, 2010 interviews, the Examiner noted that Salesky also describes the generation of “delta blocks.” Applicants’ undersigned representative explained that Salesky’s “delta blocks” represent changes to a portion of an image (i.e., changes to a block in the capture rectangle) from one image to the next (see, e.g., Salesky at FIG. 4E). In addition, Applicants’ undersigned representative explained that, unlike the claimed metadata packets recited in Applicants’ amended independent claims 1 and 14, Salesky’s delta blocks do not identify “each of the data packets that represent a current state of [the source node’s] local display data following the change in local display data” and are not “indicative of the data packets required by a consumer node to synchronize the consumer node’s display data with the source node’s local display data”.

For at least these reasons, the Applicants respectfully submit that Boss and Salesky, even if combined, fail to teach or suggest all of the elements present in each one of Applicants’ amended independent claims 1 and 14. Therefore, the Applicants respectfully submit that amended independent claims 1 and 14, and claims 2–13 and 15–25, which depend therefrom, are patentable over Boss in view of Salesky.

¹¹ Salesky at col. 7, ln 66 – col. 8, ln. 1.

Newly-Added Claims 27–30 are Patentable

With this Amendment and Response, Applicants add new claims 27–30. Claims 27 and 28 directly depend from amended independent claim 1 and therefore include all the limitations thereof, while claims 29 and 30 directly depend from amended independent claim 14 and therefore include all the limitations thereof. Accordingly, Applicants respectfully submit that dependent claims 27–30 are patentable for at least the same reasons as discussed above with respect to claims 1 and 14.

Applicants, therefore, also respectfully request allowance of new claims 27–30 in due course.

CONCLUSION

In light of the foregoing, the Applicants respectfully submit that all of the pending claims are in condition for allowance. Accordingly, the Applicants respectfully request reconsideration, withdrawal of all grounds of rejection, and allowance of all the pending claims in due course.

If the Examiner believes that a further telephone conversation with the Applicants' attorney would be helpful in expediting the allowance of this application, the Examiner is invited to call the undersigned at the telephone number identified below.

Respectfully submitted,

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